

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

Civil Action No. 4:11-CV-00094-BO

BRUCE BANNISTER; MAX DUTTON;
and MARION TOWLES;

Towles,

vs.

WAL-MART STORES EAST, L.P.,

Defendant.

**APPENDIX TO DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT REGARDING MAX
DUTTON'S CLAIMS**

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Declaration of Noah Johnson Exhibit 2
N. Johnson's Executive Summary Investigation Store 2000

Region 48: Market 486

Executive Summary Investigation Store 2000

Prepared by: Noah Johnson, Regional Director of Operations.

Input to findings:

- 1) Investigation by Tracey Battle (MHRM Market 486) and Dawana Riddick (MAPM Market 486): July 7, 2009
- 2) Investigation by Arthur Binder (Regional AP Director) July 15, 2009
- 3) Toni Redman (Employment Advisory Services: Ticket # 625102): Recommendation given to Tracey Battle (MHRM) from Toni Redman on July 27, 2009.
- 4) Cindy Moehring, Mauri Myers: September 8, 2009; Rob Elliot (Global Ethics Office): August 4, 2009,
- 5) Follow up Investigation (Red Store Visit) by Marie De Barros (MHRM Market 125) and Adoncia Spann (MHRM Market 151). Summary Received August 31, 2009.
- 6) Toni Redman (Employment Advisory Services: Ticket # 625102): Follow-up phone conversation with Noah Johnson September 1, 2009.

Based on the information in the above investigations and follow up conversations, I am supporting the Market Team's assessment which aligns with the recommendations set forth by Global Ethics and Employment Advisory Services to terminate the Store Manager for the following concerns:

- 1) PD-43: Wage and Hour violation. Company precedence in similar situation: termination
- 2) GE-01: Violation of GE-01. Company precedence in similar situation: termination.

In addition to the above recommendations, the following concerns surfaced during the investigations and Red Store visit which tie into the aforementioned finding and also require resolution to the Region from the Market team:

- 1) AP-05: Key and Door Control: Theresa Shanefelter, hourly associate (invoice clerk) admitted to having keys to the store that were given to her by the store manager. Keys retrieved and direction corrected. Company precedence in similar situation: appropriate next level coaching for the manager.
- 2) IS-01: Access and Control Policy: Theresa Shanefelter, hourly associate (invoice clerk) admitted to having store manager's pass code, responding to emails for store manger, typing up assistant manager evaluations, attending market calls and holding management meetings on behalf of Max Dutton. Company precedence in similar situation: appropriate next level coaching for the manager.

There is an overall concern for the associates in this store, given the individual feedback during the initial investigation and also the associate/management feedback during the Red Store visit. The general consensus of the feedback leads me to believe that the associates do not feel comfortable using the open door and operate in an environment of fear and intimidation.